

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CECIL THOMAS AND JOHN DEAN, on
behalf of themselves and all others similarly
situated,**

Plaintiffs,

-against-

**TXX SERVICES, INC. and PATRICIA
DOUGAN HUNT,**

Defendants.

Case 2:13-CV-02789-SIL

DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, and Local Civil Rule 56.1, Defendants TXX Services, Inc. ("TXX") and Patricia Dougan Hunt ("Hunt") (collectively, "Defendants"), by and through their undersigned attorneys, hereby move for summary judgment in the above-captioned action in relation to the Complaint, filed on behalf of Plaintiff Cecil Thomas, Plaintiff John Dean and the Opt-in Plaintiffs (collectively, "Plaintiffs"). The basis of this Motion is that Plaintiffs' claims cannot stand as a matter of law under the uncontested facts. This Motion is supported by a Memorandum in Support, the Statement of Uncontested Facts Under Local Civil Rule 56.1, with an attached Addendum, and the Declaration of Jeffrey W. Pagano with exhibits thereto, submitted concurrently herewith.

Defendants respectfully request that the Court grant the instant Motion and grant summary judgment in favor of Defendants on the Complaint and all Causes of Action set forth therein, with prejudice.

Dated: September 4, 2019
New York, New York

Respectfully submitted,

**TWOMEY, LATHAM, SHEA, KELLEY,
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By: s/ Jeffrey W. Pagano
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Attorneys for Defendants TXX Services,
Inc. and Patricia Dougan Hunt

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT was served on September 4, 2019 via Federal Express overnight courier upon:

Denise Schulman, Esq.
Joseph & Kirschenbaum LLP
32 Broadway, Suite 601
New York, NY 10004

Dated: September 4, 2019
New York, NY

s/ Ira M. Saxe
Ira M. Saxe